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	IO-00	LAB-01	L-00	VCE-00	AC-01	NSAE-00	OIC-02
	OMB-01	OPIC-01	PA-00	PM-00	PRS-00	ACE-00	P-00
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FM AMEMBASSY HARARE
TO SECSTATE WASHDC IMMEDIATE 8588
INFO NSC WASHDC IMMEDIATE
SOUTHERN AFRICAN DEVELOPMENT COMMUNITY
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SUBJECT: ZIMBABWE PARLIAMENT BECOMES RULING PARTY'S
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REFS: A) HARARE 1222, B) HARARE 1209, C) HARARE 932

CLASSIFIED BY CHARGEQ'AFFAIRES EARL M. IRVING FOR
REASONS: 1.5 (B) AND (D).

11. (C) SUMMARY: THE RULING ZANU-PF IS TAKING A DIFFERENT TACK IN ITS CAMPAIGN TO CLAMP DOWN ON THE OPPOSITION BY FORCING THROUGH PARLIAMENT LEGISLATION THAT AIMS TO RESTRICT OPPOSITION ACTIVITIES. IN AN EXTRAORDINARY SESSION ON APRIL 3-4, ZANU-PF PARLIAMENTARIANS SUSPENDED THE LEGISLATURE'S OWN STANDING ORDERS TO PASS THE BROADCASTING SERVICES BILL AND THE POLITICAL PARTIES FINANCE BILL INTO LAW OVER THE STRENUOUS OBJECTIONS OF THE OPPOSITION AND AT LEAST ONE ZANU-PF MP. THE BROADCASTING SERVICES ACT LIMITS BROADCASTING LICENSES TO ONE PRIVATELY-OWNED RADIO AND ONE TELEVISION STATION. THE POLITICAL PARTIES FINANCE ACT PROHIBITS FOREIGN SOURCES OF FUNDING FOR POLITICAL PARTIES. OTHER BILLS BEFORE PARLIAMENT, INCLUDING THE CITIZENSHIP OF ZIMBABWE AMENDMENT AND THE LABOR RELATIONS AMENDMENT, WILL TRY TO FENCE IN OTHER TRADITIONAL OPPOSITION SUPPORTERS, NAMELY WHITES AND UNIONISTS. ALTHOUGH THIS NEW ELEMENT OF ZANU-PF'S CAMPAIGN STRATEGY IS CERTAINLY MORE LAWFUL THAN ITS PREVIOUS TACTICS, IT COULD POTENTIALLY BE MORE DEVASTATING TO THE OPPOSITION THAN ANY INTIMIDATION CAMPAIGN. END SUMMARY.

12. (C) IN AN EXTRAORDINARY SESSION WHICH BEGAN ON APRIL 3 AND LASTED UNTIL 3AM ON APRIL 4, ZANU-PF
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PARLIAMENTARIANS VOTED TO SUSPEND THE LEGISLATURE'S OWN STANDING RULES AND ORDERS TO PASS THE RESTRICTIVE BROADCASTING SERVICES BILL AND THE POLITICAL PARTIES FINANCE BILL INTO LAW. THE VOTE TO SUSPEND THE RULES WAS UNUSUALLY RAUCOUS AND LOUD (POLOFF WAS INTERVIEWING THE DEPUTY CLERK, HELEN DINGANI, IN HER OFFICE NEXT TO THE CHAMBER AT THE TIME), AS DEPUTY SPEAKER MADZONGWE ASKED THE MPS TO VOTE BY DIVISION, I.E. STAND ON ONE SIDE OF THE CHAMBER OR THE OTHER. THE PROCEEDINGS TOOK NEARLY AN HOUR. BASED ON THE MOTIONS TO SUSPEND PUT FORTH BY LEADER OF THE HOUSE (AND JUSTICE MINISTER) PATRICK CHINAMASA, THE DEPUTY CLERK TOLD POLOFF THAT IT WAS CLEAR ZANU-PF WAS TRYING TO "BULLDOZE" THE TWO BILLS THROUGH PARLIAMENT. THE SUSPENSION OF THE RULES ALLOWED NO DEBATE ON THE PARLIAMENTARY LEGAL COMMITTEE'S (PLC) ADVERSE REPORTS THAT DECLARED BOTH BILLS UNCONSTITUTIONAL. ALL THREE READINGS, THE DEBATE, AND VOTING TOOK PLACE IN THE SAME SESSION, WHICH IS NORMALLY NOT PERMITTED. ZANU-PF MP AND PLC CHAIR EDDISON ZVOBGO WAS SO DISGUSTED WITH THE PROCEEDINGS THAT HE LEFT THE CHAMBER, APPARENTLY SO THAT HE WOULD NOT BE FORCED TO VOTE AGAINST HIS PARTY OR HIS OWN ADVERSE REPORT.

13. (C) DURING THE SESSION, THE HOUSE VOTED TO REJECT A SECOND ADVERSE REPORT ON THE BROADCASTING BILL SUBMITTED BY THE PARLIAMENTARY LEGAL COMMITTEE (PLC). THE COMMITTEE, WHICH COMPRISES TWO ZANU-PF MPS AND ONE MDC MP (ONLY TWO MEMBERS OF THE PLC CAN VOTE BECAUSE THE THIRD MEMBER IS NOT A LAWYER), HAD EARLIER SUBMITTED AN ADVERSE REPORT CALLING THE LICENSING REGULATIONS UPON WHICH THE BILL WAS BASED UNCONSTITUTIONAL (SEE REF B).
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ACCORDING TO THE APRIL 4 EDITION OF THE GOVERNMENT-CONTROLLED "THE HERALD," IT IS THE FIRST TIME SINCE INDEPENDENCE THAT THE RULING PARTY HAS REJECTED ADVERSE REPORTS SUBMITTED BY A PARLIAMENTARY COMMITTEE. LAST WEEK, PARLIAMENT VOTED TO SUSPEND THE STANDING ORDERS TO CUT DOWN THE TIME ALLOTTED FOR THE PLC TO SUBMIT ITS REPORT ON THE POLITICAL PARTIES FINANCE BILL FROM 26 DAYS TO FOUR DAYS, ACCORDING TO PRISCILLA MISIHAIRABWI-MUSHONGA, THE MDC MP FOR GLEN NORAH. THE BLATANT SUSPENSION OF THE RULES THIS WEEK AND LAST PERMITTED ZANU-PF TO RAM THROUGH THE BILLS BEFORE PARLIAMENT ADJOURNED FOR A FOUR-WEEK BREAK ON APRIL 5, AND BEFORE THE BROADCASTING REGULATIONS IMPLEMENTED BY PRESIDENT MUGABE LAST YEAR EXPIRE ON APRIL 12 (REF A).

14. (C) THE MAJOR PROVISIONS OF THE BROADCASTING SERVICES ACT ALLOW THE LICENSING OF ONE NATIONAL RADIO SERVICE AND ONE NATIONAL TELEVISION SERVICE INDEPENDENT OF ANY PUBLIC BROADCASTER (I.E., THE ZIMBABWE BROADCASTING CORPORATION). HOWEVER, THE ACT STIPULATES THAT A SEPARATE SIGNAL CARRIER LICENSE IS REQUIRED (THE BROADCASTERS CANNOT BROADCAST WITHOUT THE SIGNAL CARRIER) AND CANNOT BE ISSUED TO THOSE WHO HOLD THE BROADCASTING SERVICE LICENSES. THE EFFECT IS, ACCORDING TO A COPY OF THE LEGAL COMMITTEE'S ADVERSE REPORT ON THE

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BILL, TO REQUIRE THE BROADCASTERS TO ENTER INTO A TRANSMISSION AGREEMENT WITH THE SIGNAL CARRIER LICENSEE, WHO, IN ALL PROBABILITY, WILL BE A PERSON OR ORGANIZATION WITH CLOSE TIES TO ZANU-PF OR THE GOVERNMENT. (COMMENT: TECHNICALLY, IT WOULD BE POSSIBLE FOR ONE OF ZIMBABWE'S CELLULAR TELEPHONE COMPANIES TO BE THE SIGNAL CARRIER FOR THE RADIO BROADCASTER. HOWEVER, BECAUSE OF THE CELLULAR COMPANIES' CONNECTIONS TO THE OPPOSITION, THIS IS NOT LIKELY TO OCCUR. END COMMENT.) IN ADDITION, THE MINISTER OF INFORMATION WILL HAVE THE FINAL STAMP OF APPROVAL ON ISSUING ALL LICENSES, AND WILL BE ABLE TO REVOKE THE LICENSES UNDER BROADLY-DEFINED CIRCUMSTANCES. THE GOZ WILL BE ABLE TO SAY THAT ZIMBABWE ALLOWS INDEPENDENT BROADCASTERS, AND FREE SPEECH, BUT IN PRACTICE IT WILL MAINTAIN CONTROL OF ALL THE BROADCASTING OPERATIONS IN THE COUNTRY, UNDERMINING THE NOTION THAT ANY NEW BROADCASTERS WILL BE TRULY INDEPENDENT.

15. (SBU) THE POLITICAL PARTIES FINANCE ACT IS POTENTIALLY MORE SERIOUS IN HOW IT WOULD LIMIT OPPOSITION FUNDING AS WELL AS INDIRECT ASSISTANCE, SUCH AS TECHNICAL TRAINING. THE ACT OUTLAWES THE RECEIPT OF FOREIGN DONATIONS BY POLITICAL PARTIES, INCLUDING FROM ZIMBABWEAN CITIZENS LIVING ABROAD. FOR ANYONE FOUND VIOLATING THE ACT, IT PROVIDES A FINE EQUIVALENT TO THE AMOUNT OF THE DONATION OR 100,000 ZIMBABWE DOLLARS (ABOUT US\$1,000), WHICHEVER IS GREATER. THE ACT ALSO ALLOWS THE MINISTER OF JUSTICE TO ISSUE REGULATIONS GOVERNING THE TRACKING AND ACCOUNTING OF POLITICAL PARTY

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DONATIONS. THE ACT, WHICH REPLACES THE POLITICAL PARTIES FINANCE ACT OF 1992, STILL STIPULATES THAT THE MINISTER OF JUSTICE CAN REJECT A PARTY'S APPLICATION FOR GOVERNMENT FUNDING, EVEN IF IT IS ENTITLED TO FUNDING BASED ON THE NUMBER OF VOTES IT RECEIVED IN THE LAST GENERAL ELECTION. SINCE THE OPPOSITION MDC HAS TO DATE RECEIVED MUCH OF ITS FUNDING FROM FOREIGN SOURCES, THE ACT WILL UNDOUBTEDLY MAKE IT MORE DIFFICULT FOR THE MDC TO RAISE MONEY.

16. (C) DAVID COLTART, MDC MP FOR BULAWAYO SOUTH, TOLD POLITICAL SECTION CHIEF APRIL 5 THAT THE MDC WILL CHALLENGE THE LEGALITY OF THE POLITICAL PARTIES FINANCE ACT IN THE COURTS. OF PARTICULAR CONCERN IS THE ACT'S STIPULATION THAT FOREIGN DONATIONS THROUGH THIRD PARTIES (INCLUDING NGOS) ARE NO LONGER PERMITTED, HE STATED. THE STIPULATION IS SUFFICIENTLY BROAD TO PUT A STRANGLEHOLD ON CIVIL SOCIETY, MUCH OF WHICH IS INVOLVED IN DEMOCRACY AND GOVERNANCE ISSUES. COLTART POINTED OUT THAT THE NEW LAW DOES NOT PROHIBIT LOANS TO POLITICAL PARTIES, AND HE IS INVESTIGATING HOW THE MDC AND NGOS COULD TAKE ADVANTAGE OF THIS LOOPHOLE. THE MDC MP PROFESSED THAT THE GOVERNMENT IS LIKELY TO APPLY THE LAW SELECTIVELY, AND WILL IGNORE ZANU-PF VIOLATIONS. ALSO OF CONCERN IS A REPORT THAT ZANU-PF IS DRAFTING A BILL THAT WOULD BAN ALL FOREIGN FUNDING OF NGOS--A MOVE THAT WOULD QUICKLY SHUT DOWN MOST OF ZIMBABWE'S INCREASINGLY VIBRANT AND DIVERSE CIVIL SOCIETY. IF ZANU-PF PERSISTS IN ITS PURSUIT TO INDIRECTLY OUTLAW SOURCES OF OPPOSITION SUPPORT, THE EFFECT WILL BE TO DRIVE THE OPPOSITION UNDERGROUND, COLTART OPINED.

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17. (SBU) OTHER BILLS BEFORE PARLIAMENT COULD ALSO HINDER THE OPPOSITION. A PROPOSED AMENDMENT TO THE CITIZENSHIP OF ZIMBABWE ACT SEEKS TO CLOSE A LOOPHOLE IN THE LAW THAT ALREADY PROHIBITS ZIMBABWEAN CITIZENS FROM HOLDING DUAL CITIZENSHIP. THE PROPOSED AMENDMENT WOULD REQUIRE HOLDERS OF TWO PASSPORTS TO RENOUNCE THEIR CITIZENSHIP OF THE FOREIGN COUNTRY ACCORDING TO THE LAWS OF THAT COUNTRY IF THEY ARE TO REMAIN ZIMBABWEAN CITIZENS. (NOTE: THE CURRENT LAW STIPULATES THAT DUAL CITIZENS MUST RENOUNCE THEIR CITIZENSHIP ONLY ACCORDING TO THE LAWS OF ZIMBABWE. IN A TEST CASE LAST DECEMBER, THE SUPREME COURT RULED IN FAVOR OF A ZIMBABWEAN WHO ALSO HELD A BRITISH PASSPORT. THE REGISTRAR-GENERAL HAD REFUSED TO RENEW HER ZIMBABWEAN PASSPORT EVEN THOUGH SHE HAD RENOUNCED HER BRITISH CITIZENSHIP ACCORDING TO THE LAWS OF ZIMBABWE. ALTHOUGH WE ARE NOT LAWYERS, THE NEW BILL'S EXTRATERRITORIAL PROVISIONS MAY BE DIFFICULT TO ENFORCE AND MAY NOT STAND UP TO A COURT CHALLENGE. END NOTE.) THE PROPOSED AMENDMENT WOULD REDUCE THE PERIOD THAT A DUAL CITIZEN CAN LEGALLY COMPLY FROM ONE YEAR TO SIX MONTHS. THE PRIMARY TARGET OF THE AMENDMENT IS THE APPROXIMATELY 30,000 WHITES WHO HOLD BOTH ZIMBABWEAN AND BRITISH PASSPORTS. THE GOVERNMENT IS CLEARLY BANKING THAT MOST OF THESE DUAL CITIZENS WILL CHOOSE TO RETAIN

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THEIR BRITISH CITIZENSHIP, THUS RENDERING THEM
INELIGIBLE TO VOTE IN THE UPCOMING PRESIDENTIAL
ELECTION. ZIMBABWE'S WHITE POPULATION OVERWHELMINGLY
FAVORS THE MDC. THE AMENDMENT HAS BEEN TABLED, AND WAS
GAZETTED ON MARCH 23, WHICH MEANS IT WILL NEXT GO TO THE
LEGAL COMMITTEE FOR CONSIDERATION.

18. (SBU) THE LABOR RELATIONS BILL, ONCE PASSED INTO
LAW, WOULD HAVE THE EFFECT OF LIMITING THE ABILITY OF
ZIMBABWE'S UNIONS TO ENGAGE IN STAYAWAYS OR OTHER LABOR
ACTIONS, THEREBY WEAKENING ANOTHER KEY SOURCE OF
OPPOSITION SUPPORT. (SEE REF A FOR DETAILS OF THE
BILL'S PROVISIONS.) THE PARLIAMENTARY LEGAL COMMITTEE
ALSO ISSUED AN ADVERSE REPORT ON THE LABOR RELATIONS
BILL, CALLING MANY PROVISIONS UNCONSTITUTIONAL.
ACCORDING TO THE DEPUTY CLERK OF PARLIAMENT, THE BILL IS
LESS OF A PRIORITY FOR THE GOVERNMENT, AND MAY BE HELD
OVER UNTIL THE FINAL TWO-WEEK MEETING OF PARLIAMENT IN
MAY OR THE SECOND SESSION, WHICH DOES NOT BEGIN UNTIL
LATE JUNE OR JULY.

19. (C) COMMENT: ZANU-PF HAS RIDDEN ROUGHSHOD OVER
OPPOSITION MPS IN THE LAST FEW WEEKS TO PUSH THROUGH A
LEGISLATIVE AGENDA THAT IS CLEARLY AIMED AT SHRINKING
THE OPPOSITION'S POLITICAL SPACE IN ZIMBABWE. ALTHOUGH
ZANU-PF MPS FOLLOWED THE LETTER OF PARLIAMENTARY
PROCEDURE, THEY BLATANTLY DISPENSED WITH ALL SENSE OF
FAIR PLAY OR PRETENSION OF PURSUING NATIONAL INTERESTS
IN FAST-TRACKING IMPORTANT LEGISLATION THAT DESERVED
MORE CAREFUL SCRUTINY AND DEBATE. THE ZANU-PF
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DELEGATION'S UNPRECEDENTED REJECTION OF SEVERAL ADVERSE
REPORTS WITHOUT ALLOWING ANY ATTEMPT TO AMEND THE BILLS
IN QUESTION DEMONSTRATES ITS ARROGANT BELIEF THAT IT
KNOWS WHAT IS BEST FOR THE COUNTRY AND THAT THE
OPPOSITION HAS NO MEANINGFUL ROLE. THE RESULT IS THAT
THE OPPOSITION AND OTHER VOICES OF DISSENT WILL FIND
THEMSELVES MORE FENCED IN THAN EVER. EVEN THOUGH ALL
THE BILLS COULD BE CHALLENGED ON CONSTITUTIONAL GROUNDS,
THE RESOURCES FOR THE OPPOSITION TO DO SO ARE QUICKLY
DRYING UP, WHICH IS PROBABLY PART OF THE GOVERNMENT'S
INTENT IN PURSUING A MORE LEGAL STRATEGY THAT WILL
RESTRICT FUNDING FOR MDC COURT CHALLENGES. AS TENDAI
BITI STATED IN PARLIAMENT ON APRIL 4, "IT IS MORALLY
WRONG FOR ZANU-PF TO USE ITS UNLAWFUL MAJORITY TO PUSH
THESE BILLS THROUGH. THE REPRESSIVE LEGISLATION SHOWS A
MARKED DIFFERENCE OF APPROACH TOWARD MORE FASCISM." END
COMMENT.

IRVING

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